

1960

## c 145 Fire Departments Act

Ontario

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## CHAPTER 145

## The Fire Departments Act

## 1. In this Act,

Interpre-  
tation

- (a) "fire department" means a fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumpers meeting the prescribed standards; R.S.O. 1960,  
c. 249
- (b) "Fire Marshal" means the Fire Marshal of Ontario;
- (c) "full-time fire fighter" means a person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties, and includes officers and technicians;
- (d) "population" means the population ascertained from the last revised assessment roll;
- (e) "prescribed standards" means the standards prescribed by the regulations;
- (f) "regulations" means the regulations made under this Act;
- (g) "volunteer fire fighter" means a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. R.S.O. 1950, c. 138, s. 1.

## PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to, Hours of  
work

- (a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be, Two-platoon  
system
- (i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or

- (ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

Three-platoon system

- (b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

Alternative systems

- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than fifty-six hours on the average in any work week. R.S.O. 1950, c. 138, s. 2 (1); 1951, c. 27, s. 1 (1).

Other personnel

- (2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as are determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters. R.S.O. 1950, c. 138, s. 2 (2).

Maximum hours

- (3) No full-time fire fighter shall be required to be on duty more than fifty-six hours on the average in any work week. R.S.O. 1950, c. 138, s. 2 (3); 1951, c. 27, s. 1 (2).

Weekly day off duty

- (4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

Time off duty

- (5) Nothing in this Act prohibits any municipality from granting the full-time fire fighters more than one day off duty in every calendar week.

Free from calls

- (6) The hours off duty of full-time fire fighters shall be free from fire department duties or calls. R.S.O. 1950, c. 138, s. 2 (4-6).

Recall in emergency

- (7) Notwithstanding this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty full-time fire fighters who are not on duty. R.S.O. 1950, c. 138, s. 2 (7); 1958, c. 30, s. 1.

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of this Act. R.S.O. 1950, c. 138, s. 3. Act not to affect pay or holidays

4. A full-time fire fighter shall not be discharged without being afforded the opportunity of a hearing before the municipal council or a committee thereof designated by the council if he makes a written request for such hearing within seven days after he receives notice of his proposed discharge. 1956, c. 23, s. 1. Right of hearing before discharge

5.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within 120 days after receipt of the request commence to bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department. R.S.O. 1950, c. 138, s. 4 (1); 1956, c. 23, s. 2 (1). Bargaining

(2) In subsection 1, "pensions" includes any pension plan or payment authorized by paragraph 59 of section 377 of *The Municipal Act*. 1956, c. 23, s. 2 (2). Interpretation R.S.O. 1960, c. 249

(3) Where not less than 50 per cent of the full-time fire fighters belong to a trade union, any request under subsection 1 shall be made by the union. Trade union

(4) The members of the bargaining committee shall be full-time fire fighters, but, where not less than 50 per cent of the full-time fire fighters belong to a trade union, the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by, Affiliated bodies

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only.

(5) When the request involves pensions under a pension plan established or to be established under *The Municipal Act*, notice of such request shall be given to the Department of Municipal Affairs which may determine the maximum pension benefits that may be included in any agreement, decision or award with respect to such pension plan. R.S.O. 1950, c. 138, s. 4 (2-4). Pension plans under R.S.O. 1960, c. 249

6.—(1) Where, after bargaining under section 5, the council of the municipality or the bargaining committee is satisfied Board of arbitration



that an agreement cannot be reached, it may by notice in writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members, in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed. R.S.O. 1950, c. 138, s. 5 (1).

Failure to  
appoint  
member

(2) Where either party fails to appoint a member of the board of arbitration within thirty days, or having appointed a person who is unable or unwilling to act, fails to appoint another member within thirty days, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof. R.S.O. 1950, c. 138, s. 5 (2); 1956, c. 23, s. 3 (1).

Failure to  
appoint  
chairman

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. R.S.O. 1950, c. 138, s. 5 (3).

Commence-  
ment and  
termination  
of arbitra-  
tion  
proceedings

(4) The board of arbitration shall commence the arbitration proceedings within thirty days after it is constituted and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

Extension  
of periods

(5) Any of the periods mentioned in this section may be extended at any time by agreement of the parties or by the Attorney General. 1956, c. 23, s. 3 (2).

Decision

(6) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration.

Costs

(7) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. R.S.O. 1950, c. 138, s. 5 (4, 5).

Agreements,  
etc., to be in  
writing and  
binding on  
the parties

7.—(1) Every agreement under section 5 and every decision or award under section 6 shall be in writing and is binding upon the municipality and the full-time fire fighters. 1958, c. 30, s. 2 (1).

Duration of  
agreements,  
etc.

(2) Every agreement, decision or award remains in effect until the end of the year in which it comes into effect and thereafter remains in effect until replaced by a new agreement, decision or award. R.S.O. 1950, c. 138, s. 6 (2).

(3) Notwithstanding subsection 2, the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it remains in effect for such period and thereafter remains in effect until replaced by a new agreement, decision or award. 1958, c. 30, s. 2 (2). <sup>Idem</sup>

(4) Either party to collective bargaining that has resulted in an agreement, decision or award may proceed under sections 5 and 6 at any time for a new agreement, decision or award. R.S.O. 1950, c. 138, s. 6 (3). <sup>New agreements, etc.</sup>

(5) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 5 or of a decision or award of a board of arbitration made under section 6, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Attorney General upon the request of either party, and the arbitrator shall hear and determine the difference or allegation and shall issue a decision and such decision is final and binding upon the parties. 1955, c. 22, s. 1. <sup>Single arbitrator</sup>

8.—(1) An agreement, decision or award has effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof. <sup>Agreement, decision or award, when to have effect</sup>

(2) Where, pursuant to subsection 1, another day is named in an agreement, decision or award as the day upon which the agreement, decision or award is to have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses, notwithstanding the naming of such day, have effect from the first day of such fiscal period. R.S.O. 1950, c. 138, s. 7. <sup>Idem</sup>

9. Where a request in writing is made under subsection 1 of section 5 after the 30th day of November in any year and <sup>Payment of expenditures</sup>

before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. R.S.O. 1950, c. 138, s. 8.

Act to  
prevail over  
municipal  
by-laws

**10.** This Act has effect notwithstanding any by-law or regulation of a municipality relating to its fire department. R.S.O. 1950, c. 138, s. 9.

Offence

**11.** Every person who requires or requests a full-time fire fighter to be on duty in contravention of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1950, c. 138, s. 10.

## PART II

Grants  
in aid

**12.—(1)** The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the total of the amounts paid by the municipality during the year preceding the year in which the grant is made in respect of *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board and in respect of contributions to a pension plan for full-time fire fighters,

R.S.O. 1960,  
c. 437

- (a) where the population of the municipality is less than 10,000, 25 per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, 20 per cent;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, 15 per cent; and
- (d) where the population of the municipality is 70,000 or more, 10 per cent. 1953, c. 37, s. 1.

Fire areas in  
townships

**(2)** Where there is one or more fire areas in a township, the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. R.S.O. 1950, c. 138, s. 11 (2).

Conditions  
precedent  
to grants

**13.** No grant under section 12 shall be made,

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;



- (b) where the municipality is in default under Part I or under an agreement, decision or award made under the collective bargaining provisions of Part I; and
- (c) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under an Act under which the municipality contributes an amount that is not less than 5 per cent of the salaries of the members participating in the plan. R.S.O. 1950, c. 138, s. 13.

**14.**—(1) The treasurer of a municipality making claim in any year to a grant under section 12 shall, so soon as may be in the year after the amounts upon which the grant is based have been determined for the preceding year, send to the Department of Municipal Affairs a statement in the form furnished by the Department showing,

Claims for grants

- (a) that the requirements of section 13 have been met; and
- (b) the amounts upon which the grant is based as determined for the preceding year, together with such particulars thereof as the Department requests. R.S.O. 1950, c. 138, s. 14 (1); 1953, c. 37, s. 3.

(2) The Department of Municipal Affairs shall examine the statement and, if it is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario. R.S.O. 1950, c. 138, s. 14 (2).

Certification of statement

**15.**—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board whose decision thereon is final and shall be acted upon by the Department.

Reference to Ontario Municipal Board, fire department costs

(2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equipment has met the prescribed standards, the council of the municipality may, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal, if it is not satisfied with such certificate, refer any matter in dispute to the Ontario Municipal Board whose decision thereon is final and shall be acted upon by the Fire Marshal. R.S.O. 1950, c. 138, s. 16.

Fire apparatus



Fire  
schools

**16.** The Fire Marshal may,

- (a) establish, maintain and operate a central fire college for the training of fire department officers;
- (b) establish and operate regional fire schools for the training of fire fighters;
- (c) provide travelling instructors for fire fighters,

and the cost thereof is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1950, c. 138, s. 17.

Regulations

**17.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards for fire apparatus and fire-fighting equipment;
  - (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 138, s. 18.
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